

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI

JOHN R. BRANNEN,	:	Case No. 1:21-cv-347
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
JOHN A. CUNNINGHAM, et al.,	:	
	:	
Defendants.	:	

ORDER GRANTING MOTION TO SEAL (Doc. 13)

This matter is before the Court on a motion to seal the complaint and require the use of pseudonyms for student names in filings (Doc. 13). Defendant University of Cincinnati primarily seeks the redaction of certain names from the Complaint.

Although this matter is closed, this Court has jurisdiction to resolve the motion to seal. The complaint remains on the docket and a federal court may consider collateral issues after an action is no longer pending. *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 395 (1990); *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978) ("Every court has supervisory power over its own records and files"). Because the motion to seal arises from the underlying litigation, but does not require the court to delve into the merits of the closed litigation, the Court has jurisdiction to resolve it. *See Springs v. Ally Fin. Inc.*, 657 F. App'x 148, 151 (4th Cir. 2016).

Upon consideration, the Court grants the motion to seal. *Shane Group, Inc. v. Blue Cross Blue Shield*, 825 F.3d 299, 305 (6th Cir. 2016). While the public has an interest in the

substance of the case generally, it has little interest in knowing the names of the seven students identified in the complaint. The University and the nonparty students, however, have compelling interests in sealing portions of the complaint that identify those students, especially in light of the requirements of the Health Insurance Portability and Accountability Act and the Family Education Rights and Privacy Act. Finally, the proposed seal is narrowly tailored—the redactions only seal relevant identifying information and leave the entirety of the substance of the complaint available to the public.

Accordingly, the Court **GRANTS** the motion to seal, **DIRECTS** the Clerk of Court to seal the original complaint (Doc. 1), and **DIRECTS** the Plaintiff to file the redacted complaint submitted to the Court via e-mail on November 30, 2021.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND